

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SCOTT RAYMOND S.

Plaintiff,

v.

**5:20-CV-1252
(TJM)**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

Before the Court is Plaintiff's request for an award of attorney's fees in the amount of \$962.90 and costs in the amount of \$400 incurred in this appeal of the Commissioner of Social Security's denial of Plaintiff's benefits. See *dk. # 9*. Plaintiff contends he is entitled to attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. He contends that he was the prevailing party, that the government's litigation position was not substantially justified, that his net assets are worth less than \$2 million, and that the case has ended with a final order. Plaintiff has waived direct payment and requests that any payment be made to his attorney if the United States does not claim that it is entitled to an offset against the Plaintiff. The government does not object to payment of the requested attorney's fees directly to Plaintiff's counsel if, at the time of this Decision and Order, Plaintiff does not owe a debt to the government that is subject to offset. See *Dkt. # 10*. Separately, the government indicates that it "has no objection to Plaintiff's

request for \$400.00 in costs, to be paid from the Department of the Treasury's Judgment Fund." *See id.*

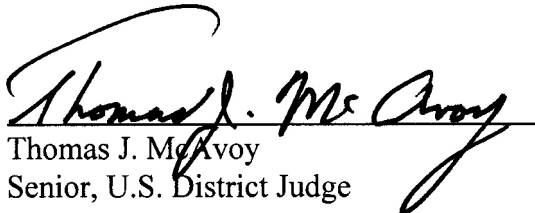
Conclusion

Having examined the parties' filings and counsel's billing records, the Court finds that the fees sought are recoverable and reasonable. The Plaintiff's motion for attorney's fees and costs, dkt. # 9, is hereby **GRANTED**, as follows:

1. Attorney's fees are awarded to Plaintiff in the amount of \$962.90;
2. If Plaintiff has no debt registered with the Department of the Treasury subject to offset, the attorney's fees shall be made payable to Plaintiff's attorney;
and
3. Costs are awarded to Plaintiff in the amount of \$400.

IT IS SO ORDERED

Dated: July 27, 2022


Thomas J. McAvoy
Senior, U.S. District Judge